

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JUAN GOMEZ-GARCIA,	)	CASE NO. C06-1845-JLR-MAT
	)	
Petitioner,	)	
	)	
v.	)	ORDER FOR ADDITIONAL
	)	BRIEFING
MICHAEL CHERTOFF, et al.,	)	
	)	
Respondents.	)	
_____	)	

On December 29, 2006, petitioner Juan Gomez-Garcia, proceeding through counsel, filed a Petition for Writ of Habeas Corpus and Request for Emergency Stay of Removal and Release on Recognizance, pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his detention by the U.S. Immigration and Customs Enforcement (“ICE”). (Dkt. #1). Petitioner argues that he cannot legally be deported or detained unless he is placed in removal proceedings again because there is no valid order of removal. Petitioner requests that the Court issue an emergency stay of removal preventing respondents from deporting him, and order his release from custody until such time as he is placed in removal proceedings. *Id.* The Court subsequently entered a temporary stay of removal, pending resolution of the habeas corpus action in this Court. (Dkt. #8). Respondents

01 argue in opposition that the REAL ID Act of 2005, Pub. L. No. 109-13, Div. B, 119 Stat. 231  
02 (May 11, 2005), expressly divests the Court of jurisdiction to hear any claims pertaining to the  
03 validity and execution of a removal order. (Dkt. #13).

04 The Court has recently become aware that petitioner is currently in immigration  
05 proceedings before the Immigration Court in Seattle, Washington. Accordingly, the Court finds  
06 that supplemental briefing is appropriate to address the effect of petitioner's current immigration  
07 proceedings, if any, on the habeas proceedings in this Court.

08 The Court hereby ORDERS:

09 (1) The parties SHALL submit supplemental briefing no later than 21 days from the  
10 date of this Order informing the Court whether they believe petitioner's current immigration  
11 proceedings have any effect on the instant action.

12 (2) The Government's Return Memorandum and Motion to Dismiss (Dkt. #13) shall  
13 be RE-NOTED for consideration on July 20, 2007.

14 (3) The clerk shall forward a copy of this Order to all counsel of record and to Judge  
15 Robart.

16 DATED this 29th day of June, 2007.

17   
18 Mary Alice Theiler  
19 United States Magistrate Judge  
20  
21  
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